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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1041st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 August 1994, at 10.30 a.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 10.40 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the Committee's forty-fifth session and welcomed the participants. The Committee would be particularly interested to hear the statement by the Assistant Secretary-General for Human Rights, whose presence at the opening meeting augured well for further cooperation.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

2. Mr. FALL (Assistant Secretary-General for Human Rights) said that foremost among the significant developments since the Committee's previous session had been the elections in South Africa and the inauguration of Nelson Mandela as President of a united, non-racial and democratic South Africa, and head of a Government of national unity. The United Nations had reinforced the moral dimension of the struggle against apartheid; the Committee had itself made a notable contribution, in part through its vigilant monitoring of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. South Africa had now rejoined the family of nations, resumed participation in the work of the General Assembly and announced its intention to ratify the principal human rights instruments.

3. Albania had recently acceded to the Convention, bringing the total number of States parties to 139, and Chile had made a declaration recognizing the competence of the Committee to receive individual complaints under article 14 of the Convention, bringing to 20 the number of States parties which had done likewise. Pursuing the goal of universal ratification of the basic international human rights treaties, underscored by the World Conference on Human Rights, the Secretary-General was strengthening his dialogue with all Heads of State to that end. He himself had been in contact with the heads of a number of United Nations agencies to request their collaboration in promoting the ratification of human rights treaties, and the High Commissioner for Human Rights had given top priority to universal ratification. He commended the Committee's initiative at its previous session aimed at encouraging the States of the former Soviet Union to succeed to the Convention, and would welcome its suggestions for further action that might be taken by the Centre for Human Rights to achieve that goal.

4. Another important development had been the assumption by Mr. Ayala Lasso of his duties as High Commissioner for Human Rights. One of the High Commissioner's main objectives was the prevention of human rights violations, and he had already become engaged in action to that effect in respect of the situation in Burundi. He had also sought to respond rapidly to the tragic events in Rwanda; a copy of the report on his mission, submitted to the Commission on Human Rights at a special session devoted to the human rights crisis in Rwanda, had been made available to members of the Committee, as had the report of the Commission's Special Rapporteur on the situation of human rights in Rwanda.

5. He concluded by paying a tribute to Mr. Elayat Houshmand, who had recently retired from his post in the Centre for Human Rights. Mr. Houshmand had been associated with the Committee since 1970, when he had been its first

Secretary. He had made an important contribution to the Committee's work through difficult years and to the treaty monitoring system as a whole.

6. He assured the Committee of the continued support of the Centre for Human Rights and wished it every success.

7. The CHAIRMAN thanked the Assistant Secretary-General for Human Rights for the interesting points he had made, which would greatly assist the Committee in its work, and assured him of the Committee's continued close cooperation. He endorsed the tribute paid to Mr. Houshmand and, on behalf of the Committee, wished him well in the future.

8. Mr. BANTON said he wished to raise a number of questions concerning the organization of the Committee's work, which the Committee would be discussing under agenda items 2 and 9 and to which he hoped that the Assistant Secretary-General for Human Rights would provide answers in the course of the session. The first question concerned a resource centre for members of treaty bodies. Although he had heard informally that premises could be made available for such a resource centre, he wished to know whether a decision had been taken about the purposes and management of the centre, whether it would come under the Centre for Human Rights or the Library of the United Nations Office at Geneva and how they would interact, whether potential users had been identified and whether there were any plans for consulting users in the establishment of the centre.

9. His second point concerned publications. He wished to know whether any action had been taken to follow up a report published two years previously by the Centre for Human Rights concerning the improvement of publications. He was particularly interested in the Bulletin of Human Rights, which was a very valuable but under-utilized and somewhat ill-managed resource. There were often long delays in the distribution of United Nations documents to users, and he endorsed a suggestion made in a London newspaper that important documents might be made available electronically on the INTERNET system. The Committee had at times been disappointed at the lack of press coverage of its activities. Its concluding observations on reports by States parties should be more readily and promptly available to the countries concerned. He hoped that those questions would be addressed by the next meeting of persons chairing the human rights treaty bodies.

10. A final point, which required a decision by the Centre for Human Rights, concerned agenda item 9 and the suggestion at a previous meeting that the staff constraints in the Centre for Human Rights might be offset by inviting certain international non-governmental organizations to help in the planning and organization of seminars for the Third Decade. Consideration might even be given to sub-contracting the organization of seminars to such organizations.

11. The CHAIRMAN said that the timetable of the Assistant Secretary-General for Human Rights prevented him from remaining with the Committee to answer its questions, but he hoped that there would be a further opportunity for him to continue his dialogue with the Committee.

ADOPTION OF THE AGENDA (agenda item 1) (CERD/C/264)

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

12. The CHAIRMAN invited the Committee to consider the provisional agenda and annotations (CERD/C/264) and the proposed programme of work for the session.

13. Mr. van BOVEN recalled a decision by the Committee to share experience and views with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and asked whether the Committee's agenda and programme of work afforded an opportunity to discuss and review such cooperation.

14. The CHAIRMAN said that he intended to meet the Special Rapporteur and invite him to participate in the Committee's discussion on agenda item 9.

15. Mr. SHERIFIS said that, although provision had been made under agenda item 5 for a discussion on Rwanda in connection with the information requested of that country under article 9, paragraph 1, of the Convention, the current tragic events in Rwanda might warrant a broader discussion of what he regarded as more than a strictly political issue.

16. The CHAIRMAN said that time had been set aside for discussion of the situation in Rwanda at the beginning of the third week of the session. He agreed, however, that the Committee should discuss that situation as soon as possible, and suggested that the Bureau might consider the matter at the Committee's next meeting.

17. Mr. RECHETOV said that, in view of the gravity and urgency of the situation in Rwanda, the Committee should certainly take up the issue early in the session. The previous year, it had failed to make full use of international machinery to obtain the necessary information about Rwanda in good time. The Chairman and the Bureau should decide on the most appropriate date for a discussion at an early stage in the Committee's work.

18. Mr. WOLFRUM agreed. Although the Committee had considered the question of Rwanda on several occasions, its handling of the issue had not been very successful because insufficient time had been set aside for a thorough discussion. He suggested that the debate might be brought forward to the beginning of the second week of the session.

19. Mr. SHAHI said that the urgency of the situation in Rwanda and Burundi certainly warranted the Committee's attention as soon as possible, preferably in the first week of the session. The Committee should have the latest available information about developments in those countries, for instance, any recent information received by the Security Council or the High Commissioner for Human Rights.

20. Mr. SHERIFIS agreed that the humanitarian tragedies in Rwanda and Burundi deserved immediate attention and that the Committee would require a briefing on the latest developments.

21. Mr. de GOUTTES said that two issues were sufficiently urgent to call for consideration in the first week of the session: the situation in Rwanda and the negative response of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the report of the good offices mission by members of the Committee. With regard to the former, the Committee would require the latest available information on the Secretary-General's initiatives to improve the situation and details of the recent seminar in Côte d'Ivoire, at which 14 African countries had been represented. There were two steps the Committee needed to take. The first was to look at the views it had expressed and the action it had taken in the light of past reports on the situation in Rwanda, and perhaps consider whether there had been developments it had failed to predict. The second was to examine how the measures at its disposal, including the early warning and urgent procedures adopted the previous year, could be combined with the other measures adopted by the international community.

22. Mr. YUTZIS said that, although it was too late for preventive action in Rwanda, preventive and emergency measures were an important aspect of the Committee's work. Effective action might help to prevent atrocities such as the recent attacks on Jewish targets in his own country, Argentina, which flouted the principles of the International Convention on the Elimination of All Forms of Racial Discrimination and the principles of the United Nations as a whole. However, he thought that the Committee needed to review its methods of work, perhaps as part of its discussion of agenda item 9 (Third Decade to Combat Racism and Racial Discrimination).

23. He had two suggestions which might improve the Committee's methods of work. Firstly, the preliminary consideration of reports by country rapporteurs could be distributed more evenly among members in order to lighten the burden which fell on a few individuals at present. Secondly, additional questions to States parties from members other than the country rapporteur should be kept to a minimum, so that the representatives of those States were less likely to be caught unprepared.

24. Mr. FERRERO COSTA said that the situation in Burundi had many similarities with that in Rwanda, and there was a real danger that violence might again erupt in Burundi in the near future. That was surely a situation where the Committee's preventive procedures could be employed to good effect. He suggested that the Committee should consider the situation in Rwanda and Burundi in the middle of the present week, subject to the agreement of the representative of Senegal, whose country's ninth and tenth periodic reports were due for consideration at that time. The Committee might in future consider including an item in its agenda providing for the discussion of such urgent situations.

25. Mr. SHERIFIS said that the Committee clearly needed an official briefing on the situation in Rwanda and Burundi. It was unfortunate that the Assistant Secretary-General for Human Rights had been obliged to leave the meeting after making his statement; perhaps he might be able to brief the Committee at the next meeting or the High Commissioner for Human Rights might be available to do so.

26. He agreed with Mr. Yutzis that the Committee should consider the recent incidents in Argentina, but he was not sure whether the issue should be taken up in conjunction with the information requested from the Government of Israel under article 9, paragraph 1, of the Convention (agenda item 5), or under agenda item 6 on prevention of racial discrimination.

27. He noted from the proposed programme of work that the Committee was due to begin the adoption of its concluding observations at the beginning of the final week of the session. It might, however, wish to revise those observations in the light of the debate later that week, when the situation in the States of the former Yugoslavia was to be discussed.

28. Mr. YUTZIS said that the prevention and early warning procedures adopted by the Committee, following the example of the other human rights bodies, obliged it to act in situations such as that in Burundi. The procedures were designed to enable the committee to identify areas where racial discrimination might arise in the future and take action before a crisis arose. The attacks on Jewish targets in Buenos Aires, and similar incidents in London, were symptoms of underlying racial discrimination, which were tragic and increasingly common. The Committee must consider such potential problems as well as making room on its agenda for situations of immediate urgency.

29. Mr. WOLFRUM said that the Committee needed to give more careful consideration to its priorities and avoid, for instance, allocating three meetings to the report of a country such as Canada when two would be sufficient. That would give the general public a better idea of the Committee's work and enable pressing issues such as the situation in Rwanda, Burundi, Israel, the former Yugoslavia and the additional information received from Papua New Guinea to be discussed at greater length.

30. Mr. DIACONU suggested that the order of agenda items 3 and 6 should be reversed to give higher priority to the prevention of racial discrimination, including early warning and urgent procedures. The agenda should also leave room for discussion of the date of future sessions, bearing in mind that a session in March 1995 would coincide with the World Summit for Social Development.

31. Mr. VALENCIA RODRIGUEZ said that, under agenda item 6, the Committee would be considering matters of immediate importance such as the rapidly changing and tragic events in Rwanda and Burundi, the implications of the bombing of Jewish targets in Argentina, the report of the good offices mission to the Federal Republic of Yugoslavia (Serbia and Montenegro), the response of the Government of that country, and the information provided by the Government of Israel pursuant to the request made at the forty-fourth session for information on the massacre of Palestinians in a mosque in Hebron. He therefore supported the suggestion that the order of items 6 and 3 should be reversed.

32. Mr. de GOUTTES, agreeing with the previous speakers, said that the material on Rwanda, Burundi and the former Yugoslavia before the Committee needed to be supplemented by information from the High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights, and the Centre for Human Rights.

33. The most pertinent question for the Committee was how it could make a constructive contribution to measures already under way in Rwanda, Burundi and other troubled areas of the world. Activities under agenda item 6 could include missions of experts and advisers to assist in the reform and restructuring of institutions which had been destroyed in such areas.

34. Mr. van BOVEN said that, as a human rights treaty body, the Committee was most effective when monitoring the situation in States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. It could be overestimating its capacity to deal with massive human rights violations, even where racism or ethnic factors were involved. As Mr. de Gouttes had suggested, it should concentrate on situations where it could make the greatest impact and on the best way of assisting other United Nations bodies whose mandates had already involved them in dealing with emergency situations.

35. Although the programme of work needed to be revised, the Committee should bear in mind that representatives of the Governments whose reports were scheduled for consideration had been informed of the dates they were expected to be present.

36. The Committee should request the Bureau to draw up guidelines on the preparation of concluding observations in order to avoid a repetition of the waste of time resulting from the procedures followed at the forty-fourth session.

37. Mr. RECHETOV said that the Committee's agenda should be understandable to the public at large and, for that reason, a revision of the present provisional agenda was needed. The Committee should make it clear that it was appalled by the situation in Rwanda and Burundi and that, as an expert body on racial discrimination, it was seeking to assist in efforts to bring that situation to an end.

38. It also had to continue monitoring the situation in Bosnia and Herzegovina and decide how it should react to the negative response of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the good offices mission. No less important was consideration of the situation in the occupied Arab territories and of the bombing in Argentina. The example of South Africa had shown that, where a responsible government was involved, continued efforts should be made to persuade it to improve the human rights situation.

39. The Committee could benefit greatly from further cooperation and dialogue with bodies of the United Nations system, not least the Centre for Human Rights.

40. The CHAIRMAN said that adoption of the provisional agenda and the programme of work would be postponed until the next meeting. The representative of the Assistant Secretary-General for Human Rights would then brief the Committee on developments affecting Rwanda and Burundi.

The meeting rose at 12.15 p.m.